

REMARKS

I. Status of the Claims

Claims 1-15 and 18-62 are pending. Claims 16 and 17 were previously canceled without prejudice or disclaimer. Applicants reserve the right to file one or more continuing applications to any canceled subject matter. Claims 26-62 are canceled without prejudice or disclaimer and in an effort to place the entire claim set in condition for allowance. Applicants reserve the right to file one or more continuing applications to the canceled subject matter.

Claim 1 is amended to make clear that the “lower level of PAK4 phosphorylation” that is measured in the biopsy samples is “on ser-474.” Applicants thank Examiner Aeder for taking the undersigned’s telephone call of February 27, 2007, and clarifying his comments at page 3 of the Advisory Action (11/29/06). Examiner Aeder confirmed his written statements that the claims are enabled only for an “effect” – induced by the claimed therapeutic composition – that increases or decreases PAK4 phosphorylation on ser-474. They are not allegedly enabled for *any* effect.

Accordingly, simply to advance prosecution, Applicants take this opportunity to amend claim 1 to make clear that the *lower* level of PAK4 phosphorylation on ser-474 in the subsequent biopsy compared to the first biopsy indicates that the therapeutic composition *decreases* PAK4 phosphorylation on ser-474 in the mammal. This amendment is supported by the specification. See for instance exemplary paragraph 23 (“In a preferred embodiment, the test compound *decreases*, inhibits, reduces, or downregulates the level of phosphorylated PAK4 in the preparation”); paragraph 40 (“...being able to detect abnormally high levels of such PAKs, especially PAK4, in mammalian samples is useful for identifying compounds that modulate (*i.e.*, inhibit, *decrease*, downregulate, or reduce) PAK activity”); and paragraph 50 (“The effect of the therapeutic composition on the mammal can therefore be identified by a *decrease* in the level of PAK phosphorylation after treatment”) (emphases added).

These amendments introduce no new subject matter and they furthermore place the claims in condition for allowance. Thus, Applicants respectfully request entry of these amendments.

II. Rejections under 35 U.S.C. §112, ¶ 1

Claims 1-15 and 18-25 are rejected under 35 U.S.C. § 112, first paragraph. Office action at page 3. According to the Examiner, the specification is "enabling for a method of detecting differences in PAK4 phosphorylation on ser-474 by comparing two levels of phosphorylation on PAK4 on ser-474" but it is not enabling for "detecting differences in every type of PAK4 phosphorylation." Office action at page 8.

Applicants respectfully disagree. In the interest of expediting examination, however, applicants have amended claim 1 to recite that the method detects a lower level of phosphorylation on ser-474 of PAK4, which indicates the compound specifically decreases that phosphorylation level, as opposed to a method where any difference is detected by the method. Applicants believe that amendment obviates the rejection. Applicants expressly reserve the right to pursue any withdrawn subject matter in one or more continuing applications. Applicants believe this amendment places the application in condition for allowance and will cancel the withdrawn claims once an allowance is made.

CONCLUSION

Applicants believe this case is in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.